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5 Las Vegas, Nevada 89120-3147  
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**FILED**

SEP 28 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*Attorney for Plaintiff Perini Building Company*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 PERINI BUILDING COMPANY, an  
11 Arizona corporation.

Case No. C04-4179 MHP

12 Plaintiff,  
13 v.  
14 JIM WEBBER & ASSOCIATES, INC.; et al.  
15 Defendants.

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME TO FILE  
SUMMARY JUDGMENT MOTIONS**

AND ALL RELATED CLAIMS.

18 IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the  
19 Court, that the discovery plan and briefing schedule deadlines as set forth in the Court's May 26,  
20 2005 Minute Order, be extended by ninety (90) days. The parties submit this stipulation to extend the  
21 discovery and briefing schedule deadlines for good cause and not for purposes of delay.

22 This case is between multiple parties and involves witnesses spread out all over the country.  
23 | In order to minimize time and costs, the parties have agreed to set depositions of witnesses whose  
24 | testimony is necessary for the determination of summary judgment in this matter together in one  
25 | location over a course of a few days.

26 On August 4, 2005, the offices of Bradley Curley, Asiano, Barrabee & Crawford ("Bradley  
27 Curley") substituted in as the attorneys of record for Defendant JIM WEBBER & ASSOCIATES.

1 INC. Prior to that time and following the substitution of Bradley Curley, the parties have been  
2 working on coordinating the above-mentioned depositions. The parties have agreed to take the  
3 depositions after the current deadline for the filing of Cross-Summary Judgment Motions. The  
4 parties have further agreed that there will be another opportunity following the depositions to resolve  
5 settlement discussions.

6 One previous time modification in this case exists; a continuance by stipulation of the Case  
7 Management Conference from April 27, 2005 to May 24, 2005.

8 The effect of the requested time modification would be to shift the briefing and hearing schedule  
9 out ninety (90) days. However, the parties are optimistic that following the depositions the parties can  
10 again discuss settlement. In the event the parties are able to settle this matter, it would be unnecessary for  
11 the parties to go forward with briefing and the hearing.

12 The parties, therefore, seek an extension of the following deadlines:

13 IT IS HEREBY STIPULATED AND AGREED that the discovery and briefing schedule  
14 deadlines shall be as the follows:

15 1. Cross-Motions for Summary Judgment to be filed by December 27, 2005;  
16 2. Responses to Motions for Summary Judgment to be filed by January 17, 2006; and  
17 3. All Motions to be heard on January 30, 2006.

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The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons

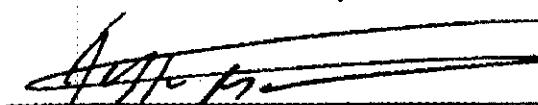
2 set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.

3 DATED this 21 day of September, 2005.

DATED this      day of September, 2005.

4 MCCREA MARTIN ALLISON, LTD.

WILLIAMS, PINELLI & CULLEN, LLP



5  
6 Jesse Mahmoud Sbain  
7 3191 East Warm Springs Road  
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9 Las Vegas, Nevada 89120-3147

Aana L. Pregliasco  
110 North Third Street  
San Jose, CA 95112

10 Attorneys for Perini Building Company

Attorneys for Cross-Defendant Valley  
Waterproofing, Inc.

11 DATED this      day of September, 2005.

DATED this      day of September, 2005.

12 BRADLEY, CURLEY, ASIANO,  
13 BARRABEE & CRAWFORD, P.C.

McCARTHY & McCARTHY, LLP

14

15 Robert W. Marchi  
16 1100 Larkspur Landing Circle, Ste. 200  
Larkspur, California 94939

Michael Scott Ellis  
1999 Harrison Street, Suite 2160  
Oakland, California 94612  
Attorneys for Graham Architectural Products  
Corp.

17 Attorneys for Jim Webber & Associates, Inc.

19

20 ORDER

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: 9/26/05

23  
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28 U.S. DISTRICT COURT JUDGE

1 The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons  
2 set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.

3 DATED this 26 day of September, 2005.

4 MCCREA MARTIN ALLISON, LTD.

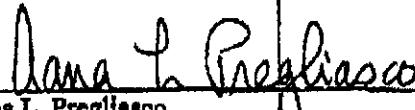


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6 Jesse Mahmoud Sbailh  
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28 DATED: \_\_\_\_\_

29 U.S. DISTRICT COURT JUDGE

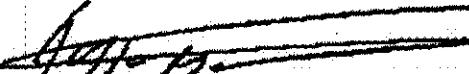
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MC CARTHY LAW  
MCCREA MARTIN ALLISON

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36 DATED: \_\_\_\_\_

37 U.S. DISTRICT COURT JUDGE

38 Page 3 of 3

39 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO FILE SUMMARY JUDGMENT MOTIONS  
40 United States District Court No. C04-4179 MHP

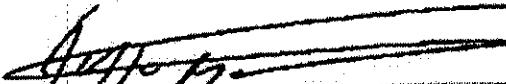
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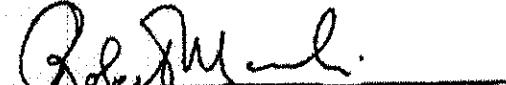
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28 **ORDER**

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30 DATED: \_\_\_\_\_

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